

BILL NO. Z-87-07-10

ZONING MAP ORDINANCE NO. Z- 22-87.

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. Q-6.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a M-3 (Heavy Industrial) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

That portion of Lot 66 north of Washington Boulevard,  
Lots 67 through 76, Lots 114 through 155, Lots 158  
through 179 and Lots 192 through 199, together with all  
vacated streets, alleys and railroad rights-of-way  
contiguous thereto, all in or contiguous or adjacent to  
Lincoln Highway Park Addition to the City of Fort  
Wayne.

AND

Lots 1 through 9, 77 through 113 and all vacated  
streets, alleys and railroad rights-of-way contiguous  
thereto, all in or contiguous or adjacent to Lincoln  
Highway Park Addition to the City of Fort Wayne.

and the symbols of the City of Fort Wayne Zoning Map No.  
Q-6, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
BRUCE O. BOXBERGER, CITY ATTORNEY



Read the first time in full and on motion by Bradbury  
seconded by Redd, and duly adopted, read the second time  
by title and referred to the Committee Regulation (and the  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort W.  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M.

DATE: 7-14-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury  
seconded by Redd, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BRADBURY</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BURNS</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>HENRY</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>REDD</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>STIER</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

DATE: 8-25-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-22-87

on the 25th day of August, 1987

ATTEST:

Sandra E. Kennedy

(SEAL)

Mark E. GiaQuinta

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the 26th day of August, 1987  
at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31st day of August  
1987, at the hour of 4<sup>00</sup> o'clock P.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

ck # 1005

# RECEIPT

No 2708

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 6/19 '87

RECEIVED FROM Peters Law Firm \$50.00

THE SUM OF Fifty 100 DOLLARS

ON ACCOUNT OF 3103 Waverly, 1143 Fairview, 2920 1/2  
Rayon

AUTHORIZED SIGNATURE



RECEIPT NO. \_\_\_\_\_

DATE FILED June 19, 1987

**THIS IS TO BE FILED IN DUPLICATE**

INTENDED USE M-3

Levin & Sons, Inc., Fort Wayne Truck Parts & Equipment, Inc. and Estate of Sam  
We Levin (current owners) and OmniSource Corporation (contract purchaser)

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne  
Indiana, by reclassifying from an M-2 District to an M-3  
District the property described as follows:

(see attached Exhibit "A" and Map highlighted in yellow)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: (1) Levin & Sons, Inc. street address: 3101 Maumee  
Avenue; (2) Fort Wayne Truck Parts & Equipment, Inc., street address: 1143 Fairview Avenue;  
(3) Bockman Bros. Painting, Inc. street address: 2920 Jeffers Avenue.

(General Description for Planning Staff Use Only)

We, the undersigned, certify that We are\*the owner(s) of fifty-one  
percentum (51%) or more of the property described in this petition.

1. Levin & Sons, Inc.	P.O. Box 1107 Fort Wayne, Indiana 46801	By: <u>Bessie Levy</u> Bessie Levy, Pres.
2. Estate of Sam Levin	P.O. Box 1107 Fort Wayne, Indiana 46801	By: <u>Bessie Levy</u> Bessie Levy, Co-Per. Re
3. Fort Wayne Truck Parts & Equipment, Inc.	P.O. Box 1107 Fort Wayne, Indiana 46801	By: <u>Gabor Fenyes</u> Gabor Fenyes, Pres.

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

**NOTE FOLLOWING RULES**

All requests for deferrals, continuances, withdrawals, or request that the  
ordinance be taken under advisement shall be filed in writing and be submitted  
to the City Plan Commission prior to the legal notice pertaining to the ordinance  
being sent to the newspaper for legal publication. If the request for deferral  
continuance or request that ordinances be taken under advisement is received  
prior to the publication of the legal ad being published the head of the Plan  
Commission staff shall not put the matter on the agenda for the meeting at which  
it was to be considered. The Plan Commission staff will not accept request  
from petitioners for deferrals, continuances, withdrawals, or requests that  
ordinance be taken under advisement, after the legal notice of said ordinance  
is forwarded to the newspaper for legal publication but shall schedule the matter  
for hearing before the City Plan Commission. (FILING FEE \$50.00)

\*\* Name and address of the preparer, attorney or agent.

Peters Law Firm David L. Peters, Attorneys for Levin & Sons, Inc., Sam Levin Estate	1700 Lincoln Bank Tower Fort Wayne, Indiana 46802	(219) 423-4487
(Name) Ft Wayne Truck Parts & Equipment, Inc.	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning  
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street  
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing  
approximately ten (10) days prior to the meeting.

\*\* Please send Notice of Hearing to:

Robert S. Walters, Barrett & McNaghy, Attorneys  
for OmniSource Corporation  
3rd Floor Lincoln Bank Tower  
P.O. Box 2263  
Fort Wayne, IN 46801 (219) 423-9551



Legal Description of property to be rezoned.

Owners of Property

4. OmniSource Corporation	1610 N. Calhoun Street Fort Wayne, Indiana 46808	By: <u>Leonard Rifkin</u> Leonard Rifkin, Pres.
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE  
This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

Exhibit A

That portion of Lot 66 north of Washington Boulevard, Lots 67 through 76, Lots 114 through 155, Lots 158 through 179 and Lots 192 through 199, together with all vacated streets, alleys and railroad rights-of-way contiguous thereto, all in or contiguous or adjacent to Lincoln Highway Park Addition to the City of Fort Wayne.

AND

Lots 1 through 9, 77 through 113 and all vacated streets, alleys and railroad rights-of-way contiguous thereto, all in or contiguous or adjacent to Lincoln Highway Park Addition to the City of Fort Wayne.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-07-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1987.

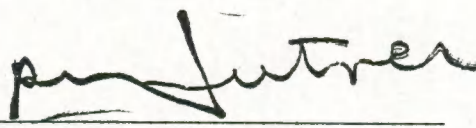
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1987.

Certified and signed this  
29th day of July 1987.

  
\_\_\_\_\_  
Robert Hutner  
Secretary



# Division of Community Development & Planning

BILL NUMBER

## BRIEF TITLE

Zoning Ordinance Amendment

From M-2 to M-3

## APPROVAL DEADLINE

## REASON

## DETAILS

### Specific Location and/or Address

3101 Maumee, 1143 Fairview & 2920 Jefferds

### Reason for Project

To bring zoning classification up to the use of said property.

### Discussion (Including relationship to other Council actions)

20 July 1987 - Public Hearing

Bob Walters, attorney for petitioners stated that the property was presently owned by OMNI Source Inc. He stated the petition to rezone was filed prior to the closing on the property. He stated that they were not requesting the zoning change in order to change, in a material sense, the nature of the activity that goes on on the property from what it has been for over the last 40 years. He stated that when the property was being purchased by OMNI Source they assumed they were zoned M-3. He stated they do have a valid pre-existing non-conforming use. He stated they are requesting now that this be explicitly recognized and made an M-3 zone for the reason that they would prefer that there be objectively a confirmation of the use that they are making of the property and intend to make in the future and to reduce, to a certain extent, the subjectivity and all of the uncertainty that could be attendant to simply going through life at that site on the basis of the non-conforming use. He stated he felt that this zoning represents the

## POSITIONS

## RECOMMENDATIONS

### Sponsor

City Plan Commission

### Area Affected

City Wide

Other Areas

### Applicants/ Proponents

### Applicant(s)

Levin & Sons Inc

City Department

Other

### Opponents

### Groups or Individuals

Mary Brunner, Mem Pk Assn  
Glen Nuttle, Anna Huffman

### Basis of Opposition

- concern company would expand operations
- fear of some hidden motive for request

### Staff Recommendation

☒ For ☐ Against

Reason Against

### Board or Commission Recommendation

### By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass



# DETAILS

highest and best use of the site and that it would have no adverse impact on the area.

Tom Latchem, Director of EDC endorses the requested rezoning. He stated that from an economic standpoint this rezoning makes sense and gives comfort to the conversations that would result in the relocation of the operation of the Superior Companies from their present No Calhoun location.

The following people spoke in opposition to the request: Glen Nuttle; Anna Huffman - 1214 Fairview; Mary Brunner, with Memorial Pk Neighborhood Association.

The main concern of the opposition was the reason for the request, it was felt they had some ulterior motives. They were concerned that the intention of the rezoning was to enable the company to expand their operation. (A legal non-conforming use cannot be expanded or enlarged, without Board of Zonning Appeals approval.

Brad Bockman, owner of Bockman Brothers Painting Inc., 2920 Jefferds Street stated that he was not necessarily opposed but was concerned about the expansion of the use. He also stated that his property had been included as part of the request, without his consent, and was concerned that the business would expand to the point that it would make his offices uninhabitable due to the noise or other annoyances.

Herman Friedrich questioned how Mr. Bockman's property could be included without his consent.

Wayne O'Brien, Planner with CD&P stated that the petitioner need only represent ownership 51%

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

of the property being petitioner for rezoning

Mr. Walters, in rebuttal stated that the petitioner has been in the scrap processing business since WW II and they have purchased this property for that type of business. He stated there is no other purpose contemplated for this property. He stated that the nature of the operation will not be changed.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

27 July 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the 7 members present 6 voted in favor of the recommendation, one (1) did not vote

Motion carried.

Project Start

Date June 19, 1987

Projected Completion or Occupancy

Date July 30, 1987

Fact Sheet Prepared by

Date July 30, 1987

Patricia Biancaniello

Reviewed by

Date

Reference or Case Number

*August 5, 1987*



**TITLE OF ORDINANCE** \_\_\_\_\_ Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** \_\_\_\_\_ Land Use Management - CD&P

**SYNOPSIS OF ORDINANCE** \_\_\_\_\_ 3101 Maumee Av / 1143 Fairview Av / 2920 Jefferds Av

3-87-07-10

**EFFECT OF PASSAGE** \_\_\_\_\_ Property is presently zoned M-2 - General Industrial.  
Property will become M-3 - Heavy Industrial.

**EFFECT OF NON-PASSAGE** \_\_\_\_\_ Property will remain M-2 - General Industrial.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_



TITLE OF ORDINANCE \_\_\_\_\_ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE \_\_\_\_\_ 3101 Maumee Av / 1143 Fairview Av / 2920 Jefferds Av

3-87-07-10

EFFECT OF PASSAGE \_\_\_\_\_ Property is presently zoned M-2 - General Industrial.  
Property will become M-3 - Heavy Industrial.

EFFECT OF NON-PASSAGE \_\_\_\_\_ Property will remain M-2 - General Industrial.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_



BILL NO. Z-87-07-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. Q-6

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~) No Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
CHAIRPERSON

Charles B. Redd CHARLES B. REDD  
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 8-25-87

SANDRA E. KENNEDY  
CITY CLERK

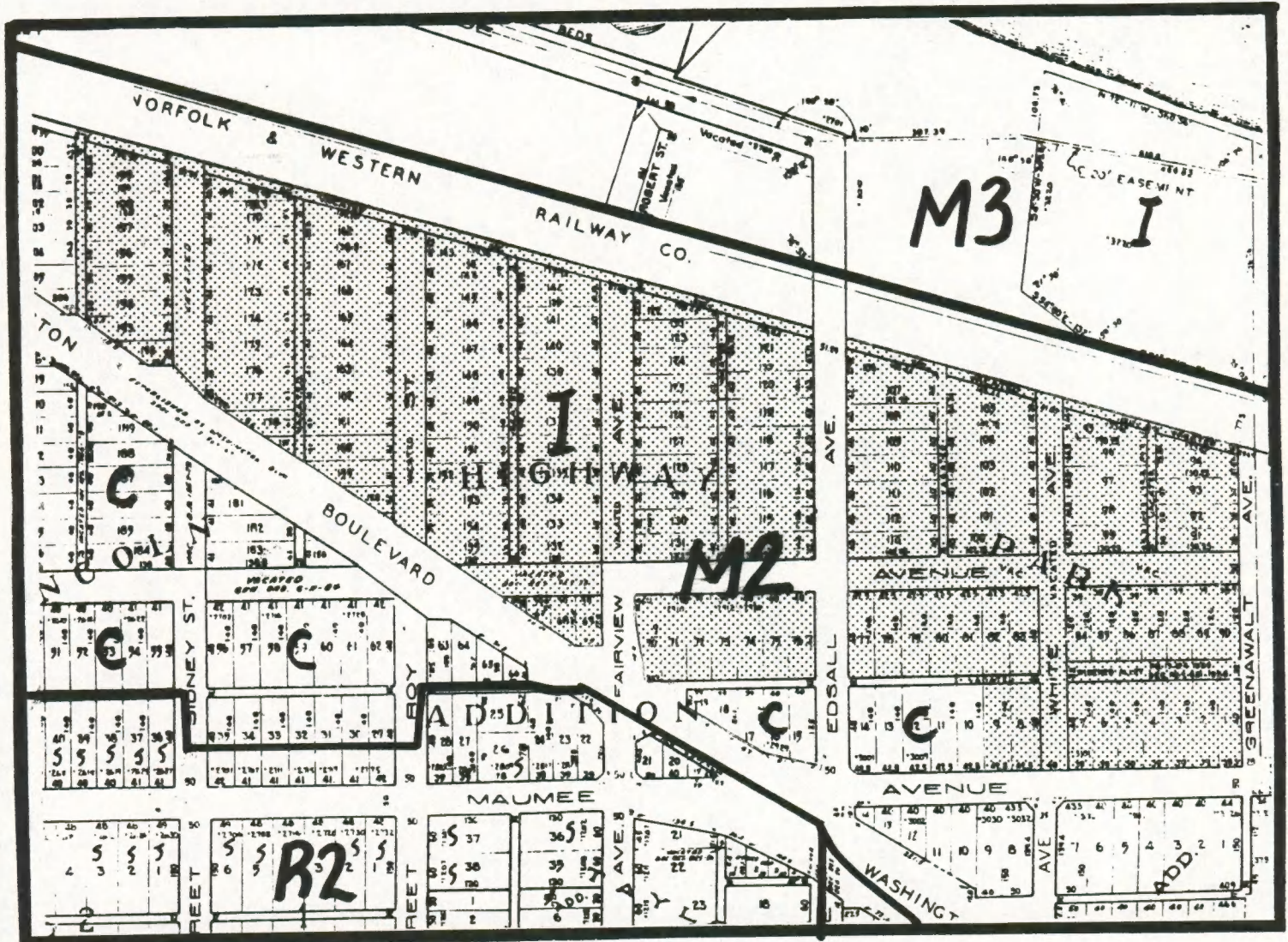


# REZONING PETITION #282

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A M-2 DISTRICT TO A M-3 DISTRICT.

MAP NO. Q-6

COUNCILMANIC DISTRICT NO. 1



## ZONING:

M-2 GENERAL INDUSTRY  
M-3 HEAVY INDUSTRY  
R-2 RESIDENTIAL DISTRICT

## LAND USE:

S SINGLE FAMILY  
C COMMERCIAL  
I INDUSTRIAL

SCALE: 1" = 300'

DATE: 6-30-87

